

**IN THE UNITED STATES RECEIVING OFFICE (RO/US)**

Applicant : GENTA SALUS LLC  
International Application No. : PCT/US02/38223  
International Filing Date : 27 November 2002  
Title : CYCLODEXTRIN GRAFTED  
BIOCOMPATIBLE AMPHIPHILIC POLYMER  
AND METHODS OF PREPARATION AND  
USE THEREOF

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

09/996,507

**RESPONSE TO COMMUNICATION**

**From**  
**The International Bureau of WIPO**

S I R :

In response to the Communication dated 15 March 2004 from the International Bureau concerning Applicant's Notification of Change of Applicant dated 27 January 2004 in the above-identified International Application, Applicant responds as follows:

Applicant respectfully requests the recordal of the change of Applicant name based on the enclosed submission of documents meeting the requirements of Rule 90.3, paragraph 430 of the PCT Applicant's Guide.

Applicant submits (1) a Certificate of Merger which merges Genta Salus Incorporated with and into Salus Therapeutics, Inc. (the original Applicant name) dated August 21, 2003, and effective August 22, 2003; and (2) a Certificate of Merger which merges Genta Salus Incorporated with and into Genta Salus LLC (the requested Applicant name) dated September 30, 2003 and effective October 6, 2003.

In addition, Applicant encloses copies of Applicant's Change of Applicant Name and PCT Appointment of Agent as filed on 27 January, 2004.

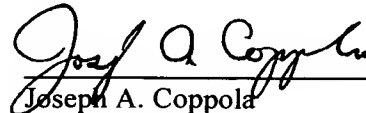
Having submitted these documents in compliance with Rule 90.3, paragraph 430 of the PCT Applicant's Guide, Applicant hereby requests that this change of the person of the Applicant be made of record and that the PCT Appointment of Agent be made of record in this application file.

Respectfully submitted,

KENYON & KENYON

Date: 6 APRIL 2004

By:

  
Joseph A. Coppola  
Reg. No. 38,413

One Broadway  
New York, NY 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288

cc: Commissioner for Patents *(via Express Mail: EV 321 893165 US)*  
Mail Stop PCT  
Alexandria, VA 22313-1450  
Attention: IPEA/US

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: **Laixin WANG**Application No./Patent No.: **09/996,507**Filed/Issue Date: **November 28, 2001**Entitled: **POLYCATIONIC WATER SOLUBLE COPOLYMER AND METHOD FOR TRANSFERRING POLYANIONIC MACROMOLECULES ACROSS BIOLOGICAL BARRIERS**

Genta Salus LLC, a corporation

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is %  
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: **Laixin Wang** To: **Salus Therapeutics, Inc.**  
The document was recorded in the United States Patent and Trademark Office at Reel 012335, Frame 0378, or for which a copy thereof is attached.
2. From: **Salus Therapeutics, Inc.** To: **Genta Salus Incorporated**  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: **Genta Salus Incorporated** To: **Genta Salus LLC**  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

October 30, 2003

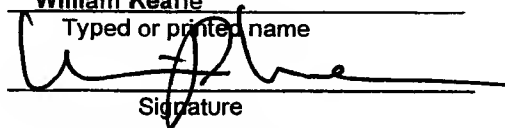
Date

(908) 286-6444

Telephone number

William Keane

Typed or printed name



Signature

Chief Financial Officer

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Delaware

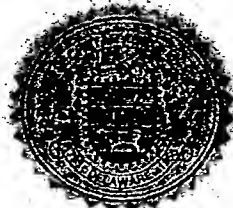
PAGE 1

## The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"GENTA SALUS INCORPORATED", A DELAWARE CORPORATION,  
WITH AND INTO "GENTA SALUS LLC" UNDER THE NAME OF "GENTA SALUS LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTIETH DAY OF SEPTEMBER, A.D. 2003, AT 5:23 O'CLOCK P.M.

**BEST AVAILABLE COPY**



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

3692777 8100M

AUTHENTICATION: 2674281

030629991

DATE: 10-06-03

**CERTIFICATE OF MERGER**

**OF**

**GENTA SALUS INCORPORATED**

**(a Delaware corporation)**

**AND**

**GENTA SALUS LLC**

**(a Delaware limited liability company)**

Pursuant to Title 6, Section 18-209 of the Delaware Limited Liability Company Act.

1. The name of the surviving limited liability company is Genta Salus LLC, a Delaware limited liability company.
2. The name of the corporation being merged into this surviving limited liability company is Genta Salus Incorporated. The jurisdiction in which this corporation was formed is Delaware.
3. The Agreement of Merger has been approved and executed by both the corporation and limited liability company.
4. The name of the surviving limited liability company is Genta Salus LLC.
5. The executed Agreement of Merger is on file at Two Connell Drive, Berkeley Heights, New Jersey 07922, the principal place of business of the surviving limited liability company.
6. A copy of the Agreement of Merger will be furnished by the surviving limited liability company on request, without cost, to any member of the limited liability company or any person holding an interest in any other business entity which is to merge or consolidate.

STATE OF NEW YORK  
COUNTY OF NEW YORK  
IN SENATE  
JANUARY 14, 2004  
REPORT OF THE  
COMMISSIONER OF THE  
DEPARTMENT OF TAXATION AND FINANCE  
ON THE  
ANNUAL REPORT OF THE  
COMMISSIONER OF THE  
DEPARTMENT OF TAXATION AND FINANCE  
FOR THE YEAR ENDING DECEMBER 31, 2003

IN WITNESS WHEREOF, said limited liability company has caused this certificate to be signed by an authorized person, this 30<sup>th</sup> day of September, A.D., 2003.

By:

Name: William J. Keane

Title: Vice President, Treasurer and Secretary

(a Delaware corporation)

AND

CELESTIAL CORPORATION

(a Delaware limited liability company)

1. Pursuant to the provisions of the Certificate of Incorporation of the Company, the undersigned is authorized to execute this Certificate of Incorporation on behalf of the Company.
2. The name of the company is Celestial Corporation.
3. The name of the corporation being merged in this merger is Celestial Corporation. The jurisdiction in which this corporation was formed is the State of New York.
4. The Agreement of Merger has been approved and adopted by the Board of Directors of the Company and the shareholders of the Company.
5. The undersigned is authorized to execute this Certificate of Incorporation on behalf of the Company.
6. The undersigned is authorized to execute this Certificate of Incorporation on behalf of the Company.
7. A copy of the Agreement of Merger will be furnished to the Secretary of the State of New York.
8. The undersigned is authorized to execute this Certificate of Incorporation on behalf of the Company.

# Delaware

PAGE 1

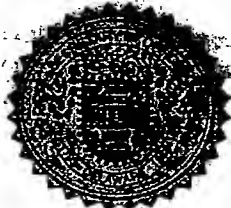
## The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"GENTA SALUS INCORPORATED", A DELAWARE CORPORATION,

WITH AND INTO "SALUS THERAPEUTICS, INC." UNDER THE NAME OF "SALUS THERAPEUTICS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-FIRST DAY OF AUGUST, A.D. 2003, AT 08 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3114658 8100M

030546995

AUTHENTICATION: 2596864

DATE: 08-22-03

**CERTIFICATE OF MERGER  
MERGING  
GENTA SALUS INCORPORATED  
INTO  
SALUS THERAPEUTICS, INC.**

**Pursuant to Section 251 of the  
Delaware General Corporation Law**

Salus Therapeutics, Inc., a Delaware corporation (the "Company"), which desires to merge with Genta Salus Incorporated, a Delaware corporation (the "Merger Co."), hereby certifies that:

1. The name and state of incorporation of each of the constituent corporations of the merger are as follows:

<u>Name</u>	<u>State of Incorporation</u>
Salus Therapeutics, Inc.	Delaware
Genta Salus Incorporated	Delaware

2. The Agreement and Plan of Merger dated as of August 14, 2003 (the "Merger Agreement") among Genta Incorporated, a Delaware Corporation, each of the constituent corporations and certain other persons, has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with Section 251 of the Delaware General Corporation Law (the "DGCL").

3. The Company is the surviving corporation of the merger, and the name of the surviving corporation shall be Genta Salus Incorporated.

4. The merger shall be effective as of the time of the filing of this Certificate of Merger.

5. The Bylaws of Merger Co. shall be the Bylaws of the surviving corporation.

6. The Certificate of Incorporation of the Company shall be the Certificate of Incorporation of the surviving corporation until amended and changed pursuant to the provisions of the DGCL.

7. The executed Merger Agreement is on file at the office of the surviving corporation at Two Connell Drive, Berkeley Heights, New Jersey 07922.

8. A copy of the Merger Agreement will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.



IN WITNESS WHEREOF, the undersigned has caused this Certificate of Merger to be duly executed in its corporate name by its duly authorized officer.

Dated: August 21, 2003

Salus Therapeutics, Inc.

By: /s/ Richard Koehn

Name: Richard Koehn

Title: President and Chief Executive Officer

EV321887332US

EV324887332US

Case No. 12475150476 Atty.

Ser. No. PCT/US02438223 Due Date 2/18/04

*Copy*

BUCKET DEPARTMENT

BUCKETED BY \_\_\_\_\_

CHECKED BY DQ

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

- |  |   |
|--|---|
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| <input type="checkbox"/> Amendment           | <input type="checkbox"/> Priority Document                              |
| <input type="checkbox"/> Assignment          | <input type="checkbox"/> Issue Fee                                      |
| <input type="checkbox"/> Notice of Appeal    | <input type="checkbox"/> Declaration                                    |
| <input type="checkbox"/> Prior Art Statement | <input type="checkbox"/> Small Entity                                   |
| <input type="checkbox"/> Appeal Brief        | <input checked="" type="checkbox"/> Notification of change of applicant |

*Pet appointment of Agent*



12475/50476

**PATENT COOPERATION TREATY**

**APPOINTMENT OF AGENT**

The undersigned applicants hereby appoint as agents:

Patrick J. Birde (Reg. No. 29,770), Deborah A. Somerville (Reg. No. 31, 995), Joseph A. Coppola (Reg. No. 38,413), Kathryn M. Lumb (Reg. No. 46,885), and Teresa A. Lavenue (Reg. No. 47, 737)

of KENYON & KENYON  
One Broadway  
New York, New York 10004-1050  
United States of America

and

Donna R. Fugit (Reg. No. 32,135) and Stephan C. Grant (Reg. No. 44,132)

of GENTA SALUS LLC  
Two Connell Drive  
Berkeley Heights, New Jersey 07922  
United States of America

to represent the undersigned before all the competent International Authorities in connection with the following international application:

**TITLE: CYCLODEXTRIN GRAFTED BIOCOMPATIBLE AMPHIPHILIC  
POLYMER AND METHODS OF PREPARATION AND USE THEREOF**

**APPLICANT'S OR AGENT'S FILE REFERENCE:** 12475/50476  
**INTERNATIONAL APPLICATION NO.:** PCT/US02/38223  
**INTERNATIONAL FILING DATE:** 27 November 2002

filed with the United States Receiving Office and to make or receive payments on its behalf.

**APPLICANT:** GENTA SALUS LLC

**ADDRESS:** Two Connell Drive  
Berkeley Heights, New Jersey 07901 USA

**NAME:** William Keane

**TITLE:** Chief Financial Officer

**SIGNATURE:** 

**DATE:** 11/29/02

**APPLICANT:**

Liixin WANG

2790 East 4135 South

Salt Lake City, Utah 84108 USA

**SIGNATURE:**

**DATE:**

02-02-04

**APPLICANT:**

Duane RUFFNER

1966 Downington

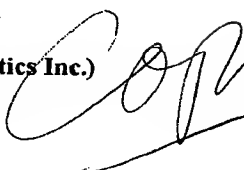
Salt Lake City, Utah 84108 USA

**SIGNATURE:**

**DATE:**

2/2/4

**IN THE UNITED STATES RECEIVING OFFICE (R<sub>U</sub>/US)**

Applicant : **GENTA SALUS LLC**  
(Formerly: Salus Therapeutics Inc.)   
International Application No. : **PCT/US02/38223**  
International Filing Date : **27 November 2002**  
For : **CYCLODEXTRIN GRAFTED  
BIOCOMPATIBLE AMPHIPHILIC  
POLYMER AND METHODS OF  
PREPARATION AND USE THEREOF**  
Agent's File Reference : **12475/50476 (formerly T9668.PCT)**

**VIA FACSIMILE - 011-41-22-7401435**

[Confirmation Copy by DHL Courier]

International Bureau

WIPO

34 Chemin des Colombettes

1211 Geneva 20

Switzerland

**NOTIFICATION OF CHANGE OF APPLICANT  
UNDER PCT RULE 92(bis)**

S I R :

It is requested that the International Bureau enter the following as the new applicant for the above-identified International Application:

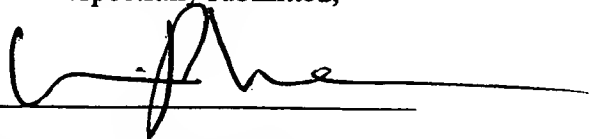
**GENTA SALUS LLC**  
Two Connell Drive  
Berkeley Heights, New Jersey 07922 U.S.A.

It is also requested that the International Bureau notify the International Preliminary Examining Authority and all elected offices of the change of Applicant name.

In addition, an Appointment of Agent form signed on behalf of GENTA SALUS LLC is enclosed herewith.

Respectfully submitted,

Date: 1/27/04

By: 

Name: William Keane  
(Print Name)

Title: Chief Financial Officer  
GENTA SALUS LLC  
Two Connell Drive  
Berkeley Heights, New Jersey 07922  
United States of America


**APPLICANT:**

Liixin WANG

2790 East 4135 South

Salt Lake City, Utah 84108 USA

**SIGNATURE:**



**DATE:**

02-02-04

*COPY*

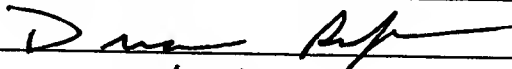
**APPLICANT:**

Duane RUFFNER

1966 Downington

Salt Lake City, Utah 84108 USA

**SIGNATURE:**



**DATE:**

2/2/4

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